

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2020-1-E

In the Matter of:)	
)	
Annual Review of Base Rates for Fuel)	JOINT MOTION FOR VIRTUAL EVIDENTIARY HEARING
Costs of Duke Energy Progress, LLC)	
)	
_____)	

Pursuant to S.C. Code Ann. Regs. 103-829 and other applicable rules of practice and procedure of the Public Service Commission of South Carolina (the “Commission”), Duke Energy Progress, LLC (“DEP” or the “Company”), the South Carolina Office of Regulatory Staff (“ORS”), Nucor Steel – South Carolina (“Nucor”), and the Southern Alliance for Clean Energy and South Carolina Coastal Conservation League and (“SACE/CCL”) (collectively, the “Parties”) hereby jointly request that the Commission (1) issue an order in the above-captioned proceeding that the evidentiary hearing currently scheduled for June 9, 2020 beginning at 10:00 am in the Commission’s Hearing Room instead be conducted as a virtual hearing; (2) admit the pre-filed testimony and exhibits of each DEP, ORS, and SACE/CCL witness into the record; (3) excuse all witnesses from testifying at the evidentiary hearing; and (4) issue an order in this docket based on the pre-filed testimony and exhibits and any statements made during the virtual hearing. In support of this Motion, the Parties show the Commission the following:

1. S.C. Code Ann. § 58-27-865 establishes a procedure for annual hearings to allow the Commission and all interested parties to review the fuel purchasing practices and policies of DEP and for the Commission to determine if any adjustment in the fuel cost

recovery mechanism is necessary and reasonable. S.C. Code Ann. § 58-27-865 states, in part: “Upon conducting public hearings in accordance with the law, the Commission shall direct each company to place in effect in its base rate an amount designed to recover, during the succeeding twelve months, the fuel costs determined by the Commission to be appropriate for that period, adjusted for the over-recovery or under-recovery from the preceding twelve-month period.” Coincident with this proceeding, and pursuant to S.C. Code Ann. § 58-39-140, the Commission will also determine whether an increase or decrease should be granted in the fuel cost component designed to recover the incremental or avoided costs incurred by the Company to implement the distributed energy resource program previously approved by the Commission.

2. The Commission issued the Revised Notice of Hearing and Prefile Testimony Deadlines (the “Notice”) on December 10, 2019, setting a hearing for June 9, 2020 beginning at 10:00 am.

3. In compliance with the Commission’s instructions, DEP published the Notice in newspapers of general circulation on or before March 2, 2020. DEP also furnished a copy of the Notice to the majority of its retail customers by bill insert, or electronically for those customers who agreed to receive the Notice electronically, on or before March 2, 2020. Pursuant to Order No. 2020-139, the remainder of DEP’s retail customers were provided with a copy of the Notice via separate mailing, along with a letter explaining that the bill insert was omitted from their bill, on or before March 2, 2020.

4. ORS is considered a party of record in all proceedings before the Commission pursuant to S.C. Code Ann. § 58-4-10, and timely petitions to intervene were

filed by Nucor and SACE/CCL, which were granted by the Commission. No other petitions to intervene have been filed.

5. On April 27, 2020, DEP filed the direct testimony and exhibits of Company witnesses Dana M. Harrington, John A. Verderame, Kevin Houston, Jason D. Martin, and Kelvin Henderson, as well as the direct testimony of Company witness Julie K. Turner. The Company requested, and was granted, confidential treatment of Exhibit 3 to witness Henderson's direct testimony. On May 12, 2020, DEP filed the amended direct testimony and exhibits of Company witnesses Verderame and Houston, as well as the amended direct testimony of Company witness Turner.

6. Under the proposed rates filed in DEP's testimony, an average Residential customer using 1,000 kilowatt hours ("kWh") per month will see a decrease of \$4.11, or 3.5 percent. The average decrease seen in the average monthly bill of General Service (non-demand), General Service (demand) and Lighting customers is 1.9 percent, 2.3 percent, and 0.5 percent, respectively. These reductions are primarily driven by decreasing natural gas prices and secondarily by an under-collection of fuel costs included in the 2020 proposed fuel rates that is smaller than the under-collection of fuel costs reflected in existing rates.

7. On May 18, 2020, ORS filed the direct testimony and exhibits of witnesses Brandon S. Bickley, Robert A. Lawyer, Anthony D. Briseno, and Anthony M. Sandonato. In its testimony, ORS did not propose any disallowances or adjustments.

8. On May 18, 2020, SACE/CCL filed the direct testimony and exhibits of witness Gregory M. Lander. SACE/CCL filed both a public version of witness Lander's

testimony and exhibits with redactions and an unredacted, confidential version. SACE/SSL requested the Commission treat the unredacted version as confidential.

9. On May 26, 2020, DEP filed rebuttal testimony and exhibits of Company witness James J. McClay. DEP filed both a public version of witness McClay's testimony and exhibits with redactions and an unredacted, confidential version. DEP requested the Commission treat the unredacted version as confidential.

10. Surrebuttal testimony is due to be filed on or before June 2, 2020. Verifications or Certifications consistent with of the South Carolina Supreme Court's Order Regarding Operations of Trial Courts During the Coronavirus Emergency in Appellate Case No. 2020-00447 of any surrebuttal testimony will accompany such testimony.

11. If the Commission grants this Motion, the Parties will submit Verifications or Certifications for all pre-filed testimony and exhibits.

Covid-19 Crisis and Response

12. On March 13, 2020, Governor Henry McMaster issued Executive Order 2020-08, declaring a State of Emergency in South Carolina based on a determination that the 2019 Novel Coronavirus ("Covid-19") pandemic "poses an actual or imminent public health emergency for the State of South Carolina." In Executive Order 2020-13, dated March 23, 2020, Governor McMaster declared that "the State must promote and facilitate effective 'social distancing' practices" to address the significant public health, economic, and other impacts associated with Covid-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in South Carolina.

13. Governor McMaster recently began easing restrictions regarding closed businesses, public spaces, and social distancing. However, in Executive Order 2020-28, dated April 20, 2020, Governor McMaster allowed retail businesses to reopen under the guidelines that patrons would not “congregate within six (6) feet of one another.” On May 12, 2020, Governor McMaster issued Executive Order 2020-35, which declared a separate and distinct State of Emergency in South Carolina to facilitate the Covid-19 pandemic response, testing, and other measures. Many state employees continue to work remotely.

14. DEP’s parent company, Duke Energy Corporation (“Duke Energy”), shifted a significant portion of its workforce to remote work and has enacted Company-wide policies restricting non-essential travel and in-person meetings. DEP provided the Commission with notice of these company policies in its March 18, 2020 filing in Docket No. 2020-106-A. Duke Energy has not, at this time, recalled its employees from their remote work status, and its non-essential travel and in-person meeting restrictions remain in place.

Argument

15. Given the current State of Emergency and the Company’s policies restricting business travel and in-person meetings, it would be a hardship for witnesses to appear in person for the June 9, 2020 hearing.

16. In light of the unprecedented circumstances surrounding the Covid-19 pandemic, the Commission recently conducted a virtual hearing in Docket No. 2020-2-E, the Annual Review of Base Rates for Fuel Costs for Dominion Energy South Carolina, Inc. The Commission also held a virtual forum in Docket No. 2020-106-A, Actions in Response to Covid-19, on May 27, 2020.

17. The South Carolina Administrative Procedures Act (the “APA”) requires that “[i]n a contested case, all parties must be afforded an opportunity for hearing after notice not less than thirty days....” S.C. Code Ann. § 1-23-320(A). However, “Due process is flexible and calls for such procedural protections as the particular situation demands.” *Stono River Envtl. Prot. Ass’n v. S.C. Dep’t of Health & Envtl. Control*, 305 S.C. 90, 93-94, 406 S.E.2d 340, 342 (1992) (citations and quotations omitted).

18. As detailed above, DEP timely published the Notice as required by the Commission not less than thirty days prior to the hearing, thereby ensuring that procedural due process requirements have been satisfied.

19. All Parties are agreeable to (1) conducting the June 9, 2020 evidentiary hearing virtually; (2) admitting all pre-filed testimony and exhibits into the record; and (3) excusing all witnesses from testifying at the hearing; and (4) waiving cross-examination of all witnesses.

WHEREFORE, the Parties respectfully request that the Commission: 1) revise the location of the June 9, 2020 hearing so that the hearing will occur virtually rather than in-person; 2) admit all pre-filed testimony and exhibits of each DEP, ORS, and SACE/CCL witness into the record; 3) issue an order excusing all witnesses from appearing at the June 9, 2020 hearing; and 4) issue an appropriate order in this docket based on the written testimony and exhibits and any statements made during the virtual hearing.

Dated this 29th day of May 2020.

[SIGNATURE PAGES FOLLOWING]

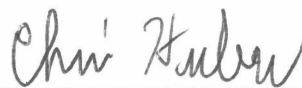
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BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2020-1-E

In the Matter of:)	
)	
Annual Review of Base Rates for Fuel)	CERTIFICATE OF SERVICE
Costs of Duke Energy Progress, LLC)	
)	
_____)	

The undersigned, Lyndsay McNeely, Paralegal for Duke Energy Progress, LLC, does hereby certify that she has served the persons listed below with a copy of the Joint Motion for Virtual Hearing in the above-captioned proceedings via electronic mail at the addresses listed below on May 29, 2020.

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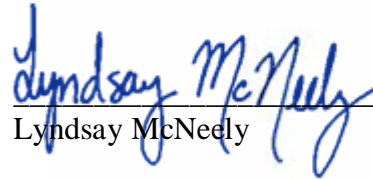
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Dated this 29th day of May 2020.



Lyndsay McNeely